

NOTICE OF ALLOWABILITY

Status of the Claims

1. This action is in response to papers filed 20 March 2008 in which a Terminal Disclaimer was submitted, the specification was amended and claims 7, 10-11, 15, 17, 18, 21, 32, 34-36 and 38 were amended and Claims 12 and 26 were canceled. All of the amendments have been thoroughly reviewed and entered. This action is further in response to amendments discussed and agreed upon during an interview between the examiner and Wendy Davis on 31 March 2008.

The previous rejections in the Office Action dated 21 December 2007 are withdrawn in view of the amendments and/or Terminal Disclaimers. Applicant's arguments have been thoroughly reviewed but are deemed moot in view of the papers filed 20 March 2007 and withdrawn rejections. The amendments and papers place the pending claims in condition for allowance.

Claims 7, 9-11, 15-18, 21, 23-25, 30-32 and 34-38 are under prosecution.

EXAMINER'S AMENDMENT

2. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 31 March 2008, J. Wendy Davis requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 08-3038/12665.009.CNUS01 the required fee of \$120.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel Claims 13, 14, 27, 29

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In Claim 7, line 8, after "formed by applying" add --- to said surface ---.

In Claim 34, line 10, after "formed by applying" add --- to said surface ---.

In Claim 36, line 7, after "formed by applying" add --- to said surface ---.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The claims are drawn to a substrate having a microarray wherein the surface of the substrate consists of a hydrophobic surface.

All of the instantly claimed substrate are drawn to the microarray having a hydrophobic surface onto which multiple and different distinct gene sequences or polynucleotides are spotted (at least 1,000/cm²) via deposition of an aqueous reagent solution. The microarray differs from the prior art in that the instantly claimed hydrophobic surface is not locally modified or derivatized prior to polynucleotide deposition for droplet containment. The microarray is made by a process wherein the interaction of the hydrophobic surface and aqueous reagent limits spreading of the reagent and thereby controls spot size. The closest prior art of Brennan U.S. Patent No. 5,474,796 modifies the hydrophobic support to create hydrophobic/hydrophilic boundaries to confine the aqueous reagent (Fig. 2-3). The microarray used in the instantly claimed methods differs from the prior art in that the aqueous polynucleotides are spotted directly onto the hydrophobic surface. The prior art does not teach or make obvious the microarray used in the instantly claimed methods and therefore cannot anticipate or make obvious the instantly claimed methods.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

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issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Claims 7, 9-11, 15-18, 21, 23-25, 30-32 and 34-38 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (571) 272-0741. The examiner can normally be reached on 6:00 TO 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 1634

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